

EXHIBIT A



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

September 27, 2018

BY ELECTRONIC MAIL

Emeka Nwokoro
Nwokoro & Scola, Esquires
30 Broad Street, Suite 1424
New York, NY 10004

Re: *United States v. Leibys Mercedes*, 17 Cr. 419 (KMK)

Dear Mr. Nwokoro:

A grand jury in the Southern District of New York returned a superseding indictment against the above-referenced defendant yesterday, September 26. The superseding indictment is enclosed. The superseding indictment is wholly identical to the prior indictment, S1 17 Cr. 419. As I mentioned in my voicemail, we are looking to arraign your client on the indictment post-haste.

The Government sought this superseding indictment from the grand jury after it noticed that Sean Fogarty, Task Force Officer with the DEA, had made two errors in his prior testimony to the grand jury on or about June 4, 2018, when the grand jury returned S1 17 Cr. 419 against the defendant. Specifically, on or about June 4, 2018, TFO Fogarty erroneously informed the grand jury: (1) that bundled heroin found at 49 North Broadway in Yonkers on or about July 6, 2017, had a red ladybug stamp on it; (2) that a witness to Christopher Coleman's drug dealing (Witness-1) said that Witness-1 had observed Coleman grind heroin in Witness-1's presence and had observed Coleman mixing heroin with fentanyl and Oxycontin. Yesterday, TFO Fogarty

explained to the grand jury that he was mistaken when he made these two statements.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

by: /s Samuel L. Raymond
Samuel L. Raymond
Assistant United States Attorney
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